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Before the

FEDERAL COMMUNICATIONS COMMISSION

AUG 27 1993

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Applications of)	MM Docket No. 93-75
)	
TRINITY BROADCASTING OF FLORIDA,)	
INC.)	BRCT-911001LY
)	
For Renewal of License of)	
Television Station WHFT(TV))	
Miami, Florida)	
)	
GLENDAL E BROADCASTING COMPANY)	BPCT-911227KE
)	
For Construction Permit)	
Miami, Florida)	

To: Hon. Joseph Chachkin
Administrative Law Judge

SECOND MOTION TO ENLARGE ISSUES
AGAINST GLENDAL E BROADCASTING COMPANY

TRINITY BROADCASTING OF FLORIDA, INC.

Colby M. May
Joseph E. Dunne, III

May & Dunne, Chartered
1000 Thomas Jefferson Street, N.W.
Suite 520
Washington, D.C. 20007
(202) 298-6345

Nathaniel F. Emmons
Howard A. Topel

Mullin, Rhyne, Emmons and Topel, P.C.
1000 Connecticut Avenue--Suite 500
Washington, D.C. 20036
(202) 659-4700

August 27, 1993

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SUMMARY

Newly discovered internal documents of George Gardner's Raystay Company ("Raystay") demonstrate that Raystay made material misrepresentations to the Commission in an application filed in January 1992 to assign Raystay's unbuilt LPTV construction permit for Red Lion/York, Pennsylvania, for \$10,000.

In that application, Raystay (through George Gardner's son, David Gardner) certified that it had incurred expenses of \$10,498 in obtaining the Red Lion/York permit. However, internal documents produced in discovery in this proceeding (but withheld from the Commission in the Red Lion/York application) show that Raystay greatly overstated its legal and engineering costs. Its actual expenses totaled only \$4,979.41, not the \$10,498.00 that it certified to the Commission.

By misrepresenting its expenses, Raystay evaded the Commission's rule (§73.3597(c)(2)) limiting what a seller may take in payment for an unbuilt construction permit. This fraud induced the Commission to approve the sale and enabled Raystay to receive the full \$10,000 that the buyer was willing to pay under the contract. The illegal profit thus reaped by Raystay on the transaction was more than \$5,000.

George Gardner is the president and sole voting owner of Raystay and is on record with the Commission as undertaking to

personally review every application filed by Raystay to ensure that all statements therein are accurate. Hence, he almost certainly knew that Raystay was submitting a false expense certification.

This deceitfulness reflects the same lack of candor evident in other Raystay LPTV applications already the subject of an issue designated against Glendale. Designation of a comparable issue as to the Red Lion/York assignment application is especially important given the clear pattern of such misconduct that now appears.

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To: Hon. Joseph Chachkin
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**SECOND MOTION TO ENLARGE ISSUES
AGAINST GLENDAL E BROADCASTING COMPANY**

Trinity Broadcasting of Florida, Inc. ("TBF"), by its counsel, pursuant to Section 1.229(b)(3) of the Commission's Rules, hereby files this second motion to enlarge the issues against Glendale Broadcasting Company ("Glendale").

A. Timeliness of Motion

1. This motion is timely under §1.229(b)(3) of the Rules, which permits the filing of motions to enlarge within 15 days after the moving party discovers the facts on which the motion is based. The instant motion is based on documents that were produced to TBF by Glendale on August 13, 1993, under the document production schedule adopted by the Presiding Judge in

this proceeding. Order, FCC 93M-418, released June 28, 1993 (ALJ). The documents (Attachments 4 and 5 hereto) are non-public internal documents of Raystay Company ("Raystay"), which is controlled by Glendale principal George F. Gardner. Thus, TBF could not have discovered them earlier. Because TBF would lack any evidentiary support for this enlargement request without the documents, this motion could not have been filed before Glendale produced the documents.

B. The Requested Issue

2. The Presiding Judge has previously designated an issue in this proceeding as to whether Raystay made misrepresentations or lacked candor in applications filed at the Commission in December 1991 and July 1992 to extend LPTV construction permits for Lancaster and Lebanon, Pennsylvania.^{1/} Now there is strong evidence that Raystay likewise made misrepresentations in another FCC application -- this one filed in January 1992 to assign Raystay's unbuilt construction permit for Red Lion, Pennsylvania. The apparent purpose of these misrepresentations was to secure payment for the unbuilt permit in excess of the amount allowable under the Commission's rules.

^{1/} Memorandum Opinion and Order, FCC 93M-469, released July 15, 1993, ¶21.

1. Background

3. In March 1989, Raystay applied for five low power television (LPTV) construction permits -- two in Lancaster, two in Lebanon, and one in Red Lion. All five were granted, and construction permits were issued on July 24, 1990. A copy of the Red Lion permit (W56CJ) is appended as **Attachment 1** hereto.

4. Raystay never constructed the Red Lion station. Instead, with the construction permit about to expire in January 1992 (18 months after issuance), Raystay arranged to sell the unbuilt permit to Grosat Broadcasting, Inc. for \$10,000 and filed an assignment application on January 14, 1992. A copy of that application (BAPTTL-920114IB) is appended as **Attachment 2** hereto.^{2/}

2. Commission Rules and Policy

5. Section 73.3597(c)(2) of the Commission's Rules (which is expressly made applicable to low power television stations by Section 74.780) limits the seller of an unbuilt station to reimbursement of expenses only. Specifically, the rule provides that the Commission will not consent to the assignment if payment exceeds --

^{2/} Due to a modification of the Red Lion construction permit in 1991 (BMPTTL-910503GZ), the station was now designated as W23AY, York, Pennsylvania, and that designation was reflected in the assignment application.

"the aggregate amount clearly shown to have been legitimately and prudently expended and to be expended by the seller, solely for preparing, filing, and advocating the grant of the construction permit for the station, and for other steps reasonably necessary toward placing the station in operation."

A seller receiving reimbursement of its expenses is required by Section 73.3597(c)(3)(ii) to include in the application "an itemized accounting of such expenses" and a showing that they represent "legitimate and prudent outlays made solely for the purposes allowable."

6. When the Commission established the low power television service in 1982, it expressly warned that this limitation "will be strictly applied in the low power context." The Commission noted that "[a]llowing profit to be obtained upon transfer of a construction permit prior to commencement test operations" would violate Sections 301 and 304 of the Communications Act, which provide that a broadcast license conveys no property interest. Strict enforcement was necessary, said the Commission, to "maintain the integrity of the Commission's processes."^{3/}

3. Raystay's Certification of Expenses

7. In ostensible compliance with the Commission's requirements, Raystay submitted with its Red Lion/York

^{3/} Report and Order (Low Power Television Service), 51 RR 2d 476, 517 (1982).

assignment application a "Certification of Expenses" signed by David A. Gardner (the son of George F. Gardner). The certification listed the following as "the expenses incurred by Raystay in obtaining the construction permit being assigned ...

Cohen and Berfield, P.C.	
Legal Fees	\$ 7,698.00
Robert Hoover	
Engineering Fees	2,425.00
FCC Filing Fees	<u>375.00</u>
	\$10,498.00"

(See Attachment 2, next to last page.) Since the \$10,000 purchase price specified in the parties' sale agreement did not exceed the listed expenses, Raystay was ostensibly in compliance with the expense reimbursement cap imposed by Section 73.3597(c)(2). The Commission thus approved the agreement and granted the assignment in March 1992.^{4/}

4. Raystay's Actual Expenses

8. Raystay's internal documents now reveal that David Gardner's certification significantly misrepresented the expenses incurred by Raystay for the Red Lion/York permit. Indeed, by inflating the expenses allegedly incurred for legal and engineering services, Raystay recovered more than twice the amount allowable under the rules.

^{4/} A copy of the FCC Form 732 Consent to Assignment is appended as **Attachment 3** hereto.

9. The pertinent documents are a letter from Cohen and Berfield to David Gardner dated November 7, 1991, addressing the subject of recoverable costs (**Attachment 4** hereto), and an invoice from R.L. Hoover dated March 31, 1989, for engineering services (**Attachment 5** hereto). Neither was filed with the Red Lion/York assignment application.

10. The Cohen and Berfield letter, anticipating the sale of all five unbuilt LPTV permits, informed Gardner that "our legal fees and expenses for the five unbuilt low power authorizations total \$15,397.03." (**Attachment 4**, p. 1; emphasis added.) The letter contained no suggestion that this total could or should be allocated unequally among the five permits -- an allocation that would have been necessary if the legal fees had been billed separately and were greater for some of the permits than for others. Thus, the legal costs incurred by Raystay for the Red Lion/York permit were one-fifth of the total Cohen and Berfield \$15,397.03 LPTV billing, or **\$3,079.41**.

11. The Hoover engineering invoice for "Preparation of five LPTV Applications" listed a charge of "\$1,500 ea" less a 10 percent discount, plus a \$175 charge for preparing each of three FAA forms. The total amount invoiced was \$7,275.00. Of this total, it is clear that the amount being billed for the Red Lion/York permit was **\$1,525.00**, i.e., \$1,350 for the application (\$1,500 minus 10% discount of \$150), plus \$175 for the Red Lion/York site FAA form. (**Attachment 5**.)

12. Raystay's certification in the assignment application, therefore, overstated the actual expenses for the Red Lion/York permit as follows:

<u>Category</u>	<u>Claimed</u>	<u>Actual</u>
Legal Fees	\$ 7,698.00	\$3,079.41
Engineering Fees	\$ 2,425.00	\$1,525.00
<u>FCC Filing Fees</u>	<u>\$ 375.00</u>	<u>\$ 375.00</u>
TOTAL:	\$10,498.00	\$4,979.41

13. It is readily apparent what Raystay did. The \$7698.00 claimed for legal fees is one-half of Cohen and Berfield's total billing of \$15,397.03 for five LPTV permits.^{5/} The \$2,425.00 claimed for engineering fees is one-third of Hoover's total billing for five applications. Neither of those claimed amounts was supported or justified by the billing data presented to Raystay. Absent any specific accounting to the contrary, the Cohen and Berfield bill documented legal costs for the Red Lion/York permit of only one-fifth of the LPTV total, not one-half. And the Hoover invoice specifically itemized the cost of each LPTV application as one-fifth of the total, not one-third. However an honest one-fifth allocation would not have enabled Raystay to recoup all of the \$10,000 that its buyer was willing to pay. To realize the full \$10,000, Raystay concocted inflated

^{5/} \$15,397.03 divided by 2 equals \$7,698.52. Raystay dropped the cents and listed it as \$7,698.00.

allocations that would yield just enough (\$10,498) to "support" the contract price.

14. Through this fraud, Raystay induced the Commission to approve a payment of \$10,000 when the maximum allowable under the rules was \$4,979.41. Thus, Raystay reaped more than twice the lawful amount, making over \$5,000 in illegal profit on the sale of its construction permit. Obviously, Raystay did not anticipate that its expense certification would ever be scrutinized or that its incriminating internal documents would have to be produced in a future Commission proceeding. It thought it could safely skim several thousand dollars more than the law allowed, and that is what it did. That conduct is disqualifying. West Jersey Broadcasting Company, 90 FCC 2d 363 (Rev. Bd. 1982) (licensee disqualified for participating in scheme to evade Commission rule limiting allowable payments); Jimmie H. Howell, 65 FCC 2d 516, 521-23 (Rev. Bd. 1977) (applicant disqualified for evading reimbursement limits by claiming \$575 in legal fees never paid).

C. Raystay's Misconduct Impugns Glendale's Qualifications

15. As with the previously designated issue involving Raystay, the misrepresentations made by Raystay in the Red Lion/York assignment application directly affect Glendale's qualifications in this proceeding. George F. Gardner, who is Glendale's controlling principal, is the president and sole

voting owner of Raystay. Although he did not personally sign the LPTV assignment application or the fraudulent certification of expenses therein, he almost certainly knew what Raystay was submitting. In 1990 he pledged to the Commission that henceforth he would personally "carefully review any . . . applications and statements to ensure that they fully and accurately disclose any pertinent facts."^{6/} He also promised a compliance program to ensure that all of Raystay's LPTV stations would be run "strictly in compliance with all Commission Rules and Regulations."^{7/} Taking Gardner at his word, one must conclude that he reviewed the assignment application before it was filed and knew full well what Raystay was up to.^{8/}

16. The misconduct in the Red Lion/York application looms especially important in light of other salient circumstances. First, when considered with the misrepresentations in Raystay's Lancaster and Lebanon LPTV extension applications filed in December 1991 and July 1992, it exhibits a pattern of recurring

^{6/} Declaration of George F. Gardner filed March 14, 1990, p. 2 (**Attachment 6** hereto) (emphasis added).

^{7/} Declaration of George F. Gardner filed May 7, 1990, p. 1 (**Attachment 7** hereto) (emphasis added).

^{8/} In any event, principals are responsible for the disqualifying conduct of their subordinates. Policy Regarding Character Qualifications, 102 FCC 2d 1179, 1218, (1985). Indeed, principals may be disqualified even where they claim they were personally unaware of disqualifying misconduct by subordinates. Magdalene Gunden Partnership, 2 FCC Rcd 5513, 5513-14 and n. 3 (Rev. Bd. 1987); WMJX, Inc., 85 FCC 2d 251, 267 (1981).

misconduct by George Gardner and a clear propensity for deceitfulness in dealing with the Commission. Second, in this respect it strongly reinforces the Commission's adverse determination concerning Gardner's character in the RKO/Fort Lauderdale proceeding. And third, it once again belies any notion that Gardner is now "rehabilitated" and can be trusted as a licensee.

D. Conclusion

17. For the foregoing reasons, the following issue should be designated against Glendale:

"To determine whether Raystay Company made misrepresentations or lacked candor in its application to assign the construction permit of low power television station W23AY, York, Pennsylvania (BAPTTL-920114IB), and if so, the effect thereof on Glendale Broadcasting Company's qualifications to be a licensee."

Because the operative facts with respect to the issue are peculiarly within the knowledge of Glendale's principal, the burden of proceeding and burden of proof under the issue should

be placed on Glendale. TeleSTAR, Inc., 3 FCC Rcd 2860, 2861
(¶13) (1988).

Respectfully submitted,

TRINITY BROADCASTING OF FLORIDA,
INC.

By: Colby M. May
Colby M. May
Joseph E. Dunne, III

May & Dunne, Chartered
1000 Thomas Jefferson Street,
N.W. - Suite 520
Washington, D.C. 20007
(202) 298-6345

By: Nathaniel F. Emmons
Nathaniel F. Emmons
Howard A. Topel

Mullin, Rhyne, Emmons and Topel,
P.C.
1000 Connecticut Ave. - Suite 500
Washington, D.C. 20036-5383
(202) 659-4700

August 27, 1993



UNITED STATES OF AMERICA
DUPLICATE

FEDERAL COMMUNICATIONS COMMISSION

LOW POWER TELEVISION / TELEVISION TRANSLATOR
BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

RAYSTAY COMPANY
P. O. BOX 38
CARLISLE, PA 17013

Keith A. Larson
Chief, LPTV Branch
Video Services Division
Mass Media Bureau

Grant Date: JUL 24 1990

Call sign: W56CJ

This permit expires 3:00 am.
local time 18 months after
grant date specified above

Permit File No.: BPTTL-890309NX

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 74.13 and 74.14 of the Commission's Rules.

Name of permittee:

RAYSTAY COMPANY

Station Location:

PA-RED LION

Frequency (MHz): 722.0 - 728.0 Offset: Plus

Channel: 56

Hours of Operation: Unlimited

Transmitter location (address or description):

RT. 24, APPROX. 1.2 KM NORTHWEST OF RED LION

Transmitter: Type accepted. See Section 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Desc: BOGNER B16UC

Major lobe directions (degrees true): 290.0

Antenna coordinates: North Latitude: 39 54 42.0
West Longitude: 76 37 15.0

Transmitter output power (Visual) : .567 kW

Maximum effective radiated power (Visual) : 9.0 kW

Height of radiation center above ground : 34.0 Meters

Height of radiation center above mean sea level : 339.0 Meters

Overall height of antenna structure above ground (including obstruction
lighting, if any) : 38.0 meters

Obstruction marking and lighting specifications for antenna
structure:

It is to be expressly understood that the issuance of these specifications
is in no way to be considered as precluding additional or modified marking
or lighting as may hereafter be required under the provisions of Section
303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

1. Subject to the condition that before program tests are authorized the
transmitter employed must be type accepted or meet Commission type
acceptance requirements at an actual power output as shown below. In
the event the transmitter has not been type accepted at this power,
the permittee shall, in the license application, provide full
engineering data demonstrating compliance with Section 74.750 of the
Commission's Rules.

567 WATTS

2. The authorization of a license to operate this station is conditioned upon the use of a transmitter that has been type accepted or meets Commission type acceptance requirements at a visual carrier frequency tolerance of plus/minus 1 kHz. In the event the transmitter has not been type accepted at this tolerance, the permittee shall, in the license application, provide full engineering data that demonstrates compliance with Section 74.750 (c)(3)(iii) of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
USE
ONLY

Please read instructions on reverse of form before completing. Section I MUST be completed. If you are applying for concurrent actions which require payment of more than one Fee Type Code, you must also complete Section II. This form must accompany all payment of fees. Fee Processing Form will be submitted with application or filing. Please type or print legibly. All required blocks must be completed or application will be returned without action.

DUPLICATE

COPY

SECTION I

APPLICANT NAME (Last, first, middle initial)
Raystay Co.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)
c/o David Tillotson; Arent, Fox

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)
1050 Connecticut Ave., N.W.

CITY Washington

STATE OR COUNTRY (If foreign address)
D.C.

ZIP CODE
20036

CALL SIGN
W25AY

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
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M	D	L								
			1							

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)									
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.											
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\$ 80.00											
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DENNIS M. GROLMAN 6-85
1902 WOODLAND RD. 717-846-6527
YORK, PA. 17403

2302

12/22/91 19

00-53-39
313

PAY TO THE
ORDER OF

FEDERAL COMMUNICATIONS COMMISSION \$ 80.00

EIGHTY DOLLARS + 00/100

DOLLARS

D Dauphin Deposit Bank
and Trust Company
YORK, PENNSYLVANIA 17405

MEMO: N/2302 YORK PA

Dennis Grolman

⑆031300834⑆ 7100411313⑈ 99 2302

Arent Fox Kintner Plotkin & Kahn

COPY

David Tillotson
202/857-6027

January 13, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

Submitted herewith, in triplicate, is an application on FCC Form 345 for consent to an assignment of the construction permit for Low Power Television Station W23AY from Raystay Co. to Grosat Communications, Inc.

Attached to this letter is a \$80.00 check payable to the FCC to cover the filing fee for this application.

If you have any questions concerning the assignor's portion of this application, please direct them to David A. Gardner, Raystay Co., P.O. Box 38, Carlisle, Pennsylvania 17013 (Tel.: 717/245-0040).

If you have any questions concerning the assignee's portion of this application, please call me.

Sincerely,



David Tillotson

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Enclosure

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

BAPTL-920114IB

For Commission Use Only
File No.

APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE OR PERMITTEE, OR ASSIGNMENT OF LICENSE OR PERMIT,
FOR AN FM OR TV TRANSLATOR STATION, OR A LOW POWER TELEVISION STATION
(Carefully read instructions before filling out Form — RETURN ONLY FORM TO FCC)

Section 1 Assignor/Transferor

1. Application for: (check only one box for A. and B.)

A. ☒ Consent to assignment
☐ Consent to transfer of control

B. For a ☐ TV translator
☒ Low power TV station
☐ FM translator

2. Name of Assignor/Transferor

Raystay Co.

Street Address (or other identification)

P.O. BOX 33

Telephone No.
(Include Area Code)

City

State

ZIP Code

CARLISLE PA 17013

3. Authorization which is proposed to be assigned or transferred:

(a) Call letters

W23AY

(b) Location

York, PA

4. NOTE: Where the licenses or permits have been granted to entities claiming preferences in the lottery selection process, the license or permit must ordinarily be held for a period of at least one year from the beginning of program tests.

Is the assignor or transferor in compliance with this requirement?

☐ YES ☒ NO

If No, attach as Exhibit No. DNA an appropriate showing. (See Section 73.3597 of the Commission's Rules)

But see attached declaration of "David A. Gardner".

5. Call letters of any auxiliary stations which are to be assigned:

NONE.

6. Attach as Exhibit No. A a copy of the contract or agreement to assign the property and facilities of the station. If there is only an oral agreement, reduce the terms to writing and attach. The material submitted must include the complete agreement between the parties.

7. State in the attached Exhibit No. B whether the assignor, or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of the assignor's stock has had any interest in or connection with any dismissed and/or denied application or any FCC license that has been revoked.

The Exhibit should include the following information:

- (a) name of party with such interest;
- (b) nature of interest or connection, giving dates;
- (c) call letters or file number of application; or docket number;
- (d) location

8. Since the filing of the assignor's/transferor's last renewal application for the authorization being assigned or transferred, or other major application has an adverse finding been made, a consent decree been entered or adverse final action been approved by any court or administrative body with respect to the assignor/transferor or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of assignor's/transferor's stock, concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony, lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

☐ YES ☒ NO

If Yes, attach as Exhibit No. DNA a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition or current status of the matter.

CERTIFICATION

Has or will the assignor/transferor comply with the public notice requirement of Section 73.3580 of the rules?

☒ YES ☐ NO

The ASSIGNOR/TRANSFEROR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNOR/TRANSFEROR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNOR/TRANSFEROR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001**

I certify that the assignor's/transferor's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 22 6 day of January December, 19 92

Raystay Co.

Name of Assignor/Transferor

Lee H. Ardison
Signature

Vice
President

Title